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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,085	11/09/2001	Raymond J. Gorte	PENN.N2437 C	5527
21967	7590	06/17/2003	EXAMINER	
HUNTON & WILLIAMS INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			YUAN, DAH WEI D	
ART UNIT		PAPER NUMBER		
1745				

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/053,085	GORTE ET AL.
	Examiner Dah-Wei D. Yuan	Art Unit 1745
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b>		
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
1) <input type="checkbox"/> Responsive to communication(s) filed on _____.		
2a) <input type="checkbox"/> This action is <b>FINAL</b> .                    2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-53</u> is/are pending in the application.		
4a) Of the above claim(s) <u>31-53</u> is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-30</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.		
If approved, corrected drawings are required in reply to this Office action.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
<b>Priority under 35 U.S.C. §§ 119 and 120</b>		
13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
* See the attached detailed Office action for a list of the certified copies not received.		
14) <input checked="" type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).		
a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
<b>Attachment(s)</b>		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____.		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____.		

**THE USE OF SULFUR-CONTAINING FUELS FOR  
DIRECT OXIDATION FUEL CELLS**

Examiner: Yuan      S.N. 10/053,085      Art Unit: 1745      June 6, 2003

***Election/Restrictions***

1.      Applicant's election of Group I, claims 1-30, in Paper No. 10 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Claim Rejections - 35 USC § 103***

2.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.      Claims 1-6,9-27,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin (US 6,017,647) in view of Anumakonda et al. (US 6,221,280).

With respect to claim 1, Wallin teaches a solid oxide fuel cell comprising a electrolyte membrane of a ceramic oxygen ion conductor, a porous anode in contact with the electrolyte membrane on the fuel side of the cell, and a porous cathode in contact the electrolyte membrane on the oxidant side of the cell. The anode is typically a ceramic-metal composite. The net electrochemical reaction involves charge transfer steps that occur at the interface between the ionically conductive electrolyte membrane, the electronically-conductive electrode and the vapor

phase. The vapor phase involves fuel for the anode and oxygen for the cathode. See Column 1, Lines 30-42.

However, Wallin does not disclose the characteristics of the fuel used for the aforementioned solid oxide fuel cell. Anumakonda et al. teach the use of sulfur-containing heavy hydrocarbon fuels for a solid oxide fuel cell. The hydrocarbon fuel is a liquid hydrocarbon having at least six carbon atoms and a sulfur content of at least 50 ppm. In one embodiment, the JP-8 fuel has a sulfur content of about 3000 ppm. The feed, containing the vaporized fuel and oxygen, is partially oxidized by a catalytic reaction to convert the hydrocarbon to hydrogen and carbon monoxide. As a result, the use of catalytic partial oxidation process to produce fuel enables a simplified overall system design. See Abstract, Column 1, Lines 11-15; Column 4, Lines 7-9,35-39. Therefore, it would have been obvious to one of ordinary skill in the art to use a fuel having sulfur content of at least 50 ppm to about 3000 ppm on the solid oxide fuel cell of Wallin, because Anumakonda et al. teach the processing and use of a sulfur-containing hydrocarbon fuel, such as JP-8, to simplify the overall design of a fuel cell system.

With respect to claims 2-6,9, Anumakonda et al. teach the conversion of refinery liquid hydrocarbon fuels, such as gasoline and naphtha, to hydrogen/carbon monoxide gas streams by partial oxidation process. The hydrocarbon fuels further comprises fuels, such as JP-4 jet fuel, JP-5 jet fuel, JP-8 jet fuel, No. 2 fuel oil, diesel oil, kerosene, and decane. See Column 2, Lines 6-18; Column 5, Lines 39-43; column 13, Lines 15-28. Therefore, it would have been obvious to

one of ordinary skill in the art to use fuel, including jet fuel, gasoline, naphtha, fuel oil, diesel oil, kerosene, and decane, on the solid oxide fuel cell of Wallin, because Anumakonda et al. teach the processing and use of a sulfur-containing hydrocarbon fuel can simplify the overall design of a fuel cell system.

With respect to claims 10-14, Anumakonda et al. teach the military specification for maximum sulfur content in logistic fuels, such as Jet A, JP-4, JP-5, and JP-8, is 0.3 wt% (3000 ppm). Typically, however, commercially available jet fuels have a total sulfur content of about 0.05-0.07 wt.% (500-700 ppm). See Column 2, Lines 38-44. Therefore, it would have been obvious to one of ordinary skill in the art to use a fuel having sulfur content of at about 500 to about 700 ppm on the solid oxide fuel cell of Wallin, because Anumakonda et al. teach the processing and use of a sulfur-containing hydrocarbon fuel, such as JP-4, JP-5, and JP-8, can simplify the overall design of a fuel cell system.

With respect to claim 15, Wallin discloses the electrolyte membrane is a ceramic oxygen ion conductor. See Column 1, Lines 30-32.

With respect to claims 16-19, Wallin teaches suitable ionically conductive materials include doped zirconia such as yttria-stabilized zirconia, scandium-doped zirconia, gadolinium-doped ceria, and rare earth or alkaline earth-doped  $\text{LaAGaO}_3$ . See Column 4, lines 49-59.

With respect to claim 20, Wallin teaches process to generate electrical energy by using a solid oxide fuel cell, which comprises a electrolyte membrane of a ceramic oxygen ion conductor, a porous anode in contact with the electrolyte membrane on the fuel side of the cell,

and a porous cathode in contact the electrolyte membrane on the oxidant side of the cell. The anode is typically a ceramic-metal composite. The net electrochemical reaction involves charge transfer steps that occur at the interface between the ionically conductive electrolyte membrane, the electronically-conductive electrode and the vapor phase. The vapor phase involves fuel for the anode and oxygen for the cathode. See Column 1, Lines 30-42.

However, Wallin does not disclose the characteristics of the fuel used for the aforementioned solid oxide fuel cell. Anumakonda et al. teach the use of sulfur-containing heavy hydrocarbon fuels for a solid oxide fuel cell. The hydrocarbon fuel is a liquid hydrocarbon having at least six carbon atoms and a sulfur content of at least 50 ppm. In one embodiment, the JP-8 fuel has a sulfur content of about 3000 ppm. The feed, containing the vaporized fuel and oxygen, is partially oxidized by a catalytic reaction to convert the hydrocarbon to hydrogen and carbon monoxide. As a result, the use of catalytic partial oxidation process to produce fuel enables a simplified overall system design. See Abstract, Column 1, Lines 11-15; Column 4, Lines 7-9,35-39. Therefore, it would have been obvious to one of ordinary skill in the art to use a fuel having sulfur content of at least 50 ppm to about 3000 ppm on the process of Wallin, because Anumakonda et al. teach the processing and use of a sulfur-containing hydrocarbon fuel, such as JP-8, can simplify the overall design of a fuel cell system.

With respect to claims 21-27, Anumakonda et al. teach the conversion of refinery liquid hydrocarbon fuels, such as gasoline and naphtha, to hydrogen/carbon monoxide gas streams by partial oxidation process. The hydrocarbon fuels further comprises fuels, such as JP-4 jet fuel,

JP-5 jet fuel, JP-8 jet fuel, No. 2 fuel oil, diesel oil, kerosene and decane. See Column 2, Lines 6-18; Column 9, Lines 1-4; column 13, Lines 15-28. Therefore, it would have been obvious to one of ordinary skill in the art to use fuel, including jet fuel, gasoline, naphtha, fuel oil, diesel oil, kerosene and decane, on the process of Wallin, because Anumakonda et al. teach the processing and use of a sulfur-containing hydrocarbon fuel can simplify the overall design of a fuel cell system.

With respect to claim 30, Anumakonda et al. teach the military specification for maximum sulfur content in logistic fuels, such as Jet A, JP-4, JP-5, and JP-8, is 0.3 wt% (3000 ppm). Typically, however, commercially available jet fuels have a total sulfur content of about 0.05-0.07 wt.% (500-700 ppm). See Column 2, Lines 38-44. Therefore, it would have been obvious to one of ordinary skill in the art to use a fuel having sulfur content of at about 500 to about 700 ppm on the process of Wallin, because Anumakonda et al. teach the processing and use of a sulfur-containing hydrocarbon fuel, such as JP-4, JP-5, and JP-8, can simplify the overall design of a fuel cell system.

4. Claims 1,2,7,8,20,28,29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin (US 6,017,647) in view of Fasano et al. (US 6,051,330) as evidenced by Yamauchi et al. (US 4,228,033).

With respect to claims 1,2,7,8, Wallin teaches a solid oxide fuel cell comprising a electrolyte membrane of a ceramic oxygen ion conductor, a porous anode in contact with the electrolyte membrane on the fuel side of the cell, and a porous cathode in contact the electrolyte

membrane on the oxidant side of the cell. The anode is typically a ceramic-metal composite. The net electrochemical reaction involves charge transfer steps that occur at the interface between the ionically conductive electrolyte membrane, the electronically-conductive electrode and the vapor phase. The vapor phase involves fuel for the anode and oxygen for the cathode. See Column 1, Lines 30-42. However, Wallin does not disclose the characteristics of the fuel used for the aforementioned solid oxide fuel cell. Fasano et al. teach the use of light hydrocarbons, such as methane, propane, ethanol and methanol, as fuel for a solid oxide fuel cell because they produce less carbonaceous material build-up in the anode. See Column 1, Lines 5-8, 61 to Column 2, Line 2. The typical sulfur content in the methanol is found to be between 1 to 5 ppm as documented in Yamauchi et al. See Column 45, Line 34; Column 58, Line 54. Therefore, it would have been obvious to one of ordinary skill in the art to use a light hydrocarbon fuel, such as methanol having sulfur content of 1 to 5 ppm, on the solid oxide fuel cell of Wallin, because Fasano et al. teach the use of a light hydrocarbon fuel can reduce the build-up of carbonaceous material in the anode of a solid oxide fuel cell.

With respect to claim 20, Wallin teaches process to generate electrical energy by using a solid oxide fuel cell, which comprises a electrolyte membrane of a ceramic oxygen ion conductor, a porous anode in contact with the electrolyte membrane on the fuel side of the cell, and a porous cathode in contact the electrolyte membrane on the oxidant side of the cell. The anode is typically a ceramic-metal composite. The net electrochemical reaction involves charge transfer steps that occur at the interface between the ionically conductive electrolyte membrane,

the electronically-conductive electrode and the vapor phase. The vapor phase involves fuel for the anode and oxygen for the cathode. See Column 1, Lines 30-42.

However, Wallin does not disclose the characteristics of the fuel used for the aforementioned solid oxide fuel cell. Fasano et al. teach the use of light hydrocarbons, such as methane, propane, ethanol and methanol, as fuel for a solid oxide fuel cell because they produce less carbonaceous material build-up in the anode. See Column 1, Lines 5-8, 61 to Column 2, Line 2. The typical sulfur content in the methanol is found to be between 1 to 5 ppm as documented in Yamauchi et al. See Column 45, Line 34; Column 58, Line 54. Therefore, it would have been obvious to one of ordinary skill in the art to use a light hydrocarbon fuel, such as methanol having a sulfur content of 1 to 5 ppm, on the process of Wallin, because Fasano et al. teach the use of a light hydrocarbon fuel can reduce the build-up of carbonaceous material in the anode of a solid oxide fuel cell.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dah-Wei D. Yuan whose telephone number is (703) 308-0766. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (703) 308-2383. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Dah-Wei D. Yuan  
June 6, 2003

A handwritten signature in black ink, appearing to read "Dah-Wei D. Yuan".